
HOUSE BILL No. 1849

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-13-5; IC 33-4-5-7.

Synopsis: Possession of firearm by domestic batterer. Provides that a person convicted of a crime of domestic violence may not possess a firearm even after the person's right to vote or right to serve on a jury has been restored.

Effective: July 1, 2003.

Lawson L, Budak

January 23, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1849

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-13-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** A person described in section
3 4 of this chapter who is otherwise qualified to register under this article
4 is eligible to register when the person is no longer:

- 5 (1) imprisoned; or
6 (2) otherwise subject to lawful detention.

7 **(b) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration**
8 **of the right to vote under this section, a person who has been**
9 **convicted of a crime involving domestic violence (as defined in**
10 **IC 5-26.5-1-3) may not possess a firearm upon the person's release**
11 **from imprisonment or lawful detention.**

12 SECTION 2. IC 33-4-5-7 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) A person shall be excused
14 from acting as a juror if the person:

- 15 (1) is over sixty-five (65) years of age;
16 (2) is a member in active service of the armed forces of the United
17 States;
18 (3) is an elected or appointed official of the executive, legislative,



or judicial branches of government of:

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

who is actively engaged in the performance of the person's official duties;

(4) is a member of the general assembly who makes the request to be excused before being sworn as a juror;

(5) is an honorary military staff officer appointed by the governor under IC 10-2-1-5;

(6) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-2-8;

(7) is a veterinarian licensed under IC 15-5-1.1;

(8) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;

(9) is a dentist licensed under IC 25-14-1;

(10) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or

(11) would serve as a juror during a criminal trial and the person is:

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(B) the spouse or child of a person described in clause (A);

and desires to be excused for that reason.

(b) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony

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conviction and the rights have not been restored.

(c) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

(d) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

(e) The same petit jurors may be used in civil cases and in criminal cases.

(f) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

(g) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section, a person who has been convicted of a crime involving domestic violence (as defined in IC 5-26.5-1-3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

SECTION 3. IC 35-47-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a)** Except as provided in **subsection (b) and** section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about ~~his person~~ **the person's body**, except in ~~his the person's~~ **the person's** dwelling, on ~~his the person's~~ **the person's** property or fixed place of business, without a license issued under this chapter being in ~~his the person's~~ **the person's** possession.

(b) A person who has been convicted of a crime involving domestic battery (as defined in IC 5-26.5-1-3) may not possess or carry a handgun in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

SECTION 4. IC 35-47-4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. **A person who has been convicted of a crime involving domestic battery (as defined in IC 5-26.5-1-3) who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.**

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